



Posted \_\_\_\_\_  
Remove 7/26/18

**Town of New Castle Administration Department**  
**Phone:** (970) 984-2311  
450 W. Main Street  
PO Box 90  
New Castle, CO 81647  
**Fax:** (970) 984-2716  
[www.newcastlecolorado.org](http://www.newcastlecolorado.org)

## Agenda

New Castle Planning & Zoning Commission Regular Meeting  
Wednesday, July 25, 2018, 7:00 p.m., Town Hall

Call to Order, Roll Call, Meeting Notice

Conflicts of Interest (Disclosures are on file with Town Clerk & Secretary of State)

Citizen Comments on Items NOT on Agenda

Public Hearing

- A. Brief description of application: Application for Conditional Use Permit for Mechanic Repair Shop

Legal description: Lot 10, Block 14, Original Townsite, Town of New Castle

Common address: 731 West Main Street, New Castle

Applicant: Rieger Performance Motors

Landowner: John and Leslie Krick

- B. Resolution PZ-2018-02 Recommending Approval of Conditional Use Permit for Mechanic Shop

- C. Brief description of application: Application for Conditional Use Permit for Accessory Dwelling Unit(ADU)

Legal description: Lot 35-37, Block G, Spencer's Addition, Town of New Castle

Common address: 140 North B. Ave., New Castle

Applicant: Harold and Carolyn Edwards

Landowner: Harold and Carolyn Edwards

- D. Resolution PZ-2018-03 Recommending Approval of Conditional Use Permit for Accessory Dwelling Unit(ADU)

Items for Consideration

- E. Consider Appointing Commissioner to Historic Preservation Commission (HPC)  
F. Consider Appointing Commission Chair  
G. Consider Appointing Commission Vice-Chair

Comments/Reports

- H. Items for Next Planning and Zoning Agenda
- I. Commission Comments/Reports
- J. Staff Reports

Review Minutes of Previous Meetings

- K. March 5, 2018 Minutes

Adjournment

Jon and Leslie Krick  
0091 Riverbend Drive  
New Castle, CO 81647  
970-319-1799  
[jon.krick@gmail.com](mailto:jon.krick@gmail.com)

July 2, 2018

Town of New Castle  
450 West Main Street  
New Castle, CO 81647

Town of New Castle:

We, Jon and Leslie Krick, are owners of the property at 731 West Main Street, New Castle, Colorado. For public record we would like to inform the City of New Castle that as owners of this building and land, we will continue to be good stewards. Our intentions are to keep the property in our family name and lease to responsible tenants. We will continue to keep the premises clean, well maintained, and be respectful of the residents surrounding the property.

Sincerely,

Jon and Leslie Krick

**RECEIVED**  
JUL 03 2018  
TOWN OF  
NEW CASTLE, CO  
BUILDING DEPARTMENT



**Town of New Castle**  
450 W. Main Street  
PO Box 90  
New Castle, CO 81647

**Building, Planning & Code Administration Department**  
**Phone:** (970) 984-2311  
**Fax:** (970) 984-2716  
[www.newcastlecolorado.org](http://www.newcastlecolorado.org)

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**Staff Report**  
**Rieger Performance Motors Conditional Use Permit**  
**New Castle Planning and Zoning Commission – Hearing – July 25, 2018**

Report Date: 7/19/18

**Project Information**

**Name of Applicant:** Rieger Performance Motors (Michael Rieger)

**Applicant's Address/Phone:** 732 West Main St., POB 412, New Castle, CO 81647.  
Telephone – 970.230.5377, E-mail: [riegerize@gmail.com](mailto:riegerize@gmail.com)

**Property Address:** 731 W. Main St, New Castle, CO 81647

**Property Owner:** Jon & Leslie Krick

**Owner Address/Phone** 91 Riverbend Dr, New Castle, CO 81647. Telephone: 970.319-1799

**Proposed Use:** Automotive repair and maintenance service

**Municipal Code Reference:** Chapter 17.84 – Conditional Uses & Chapter 17.36 -  
Conditional Uses in the C-1 zone district – 17.36.050 (C) (2)  
Automobile service station with or without minor repairs

**Size of Site:** .316 acres

**Street Frontage:** West Main St. (Hwy. 6 & 24)

**Existing Zoning:** Commercial – 1/Residential - 1

**Surrounding Zoning:** North – C/T (Commercial Transitional), South – None (Alley), East –  
C-1/R-1 (Commercial/Residential), West – C-1/R-1  
(Commercial/Residential)

**Off-Street Parking Requirements:** 1 ½ spaces per 300 sq. ft. of the floor area. Floor area is 2400  
sq. ft = 12 required vehicle spaces

**Hours of operation:** Monday – Friday 8:00 A.M. to 5:00 P.M.

**I Description of Application:**

This application is a request for a conditional use permit for an automotive repair and maintenance services.

The purpose of this Conditional Use Permit is to determine if the nature of the proposed use is appropriate to the location, character of the surrounding development, traffic capacities of adjacent streets and potential environmental effects among other factors that the Town may deem relevant to the type of land use. It is reasonable to ascertain the possible negative consequences that might result from the operation of an automotive service station. Ultimately it is the owner and proprietor of the property to ensure a safe and nearly hazard free interior and exterior environment.

It is staff's position that this conditional use expire after one year, if approved by Town Council. Staff recommends that the applicant need only notify the Town with a letter asking for approval to continue operations. However, that may change if there is any change in ownership of the property or other vital alteration such as the need to expand the conditional use permit.

### **II Development Application Contents:**

1. Development Application
2. Cover letter
3. Site plan
4. Authorization letter from property owner
5. List of property owners within 250 feet
6. Proof of property ownership from GARCO Assessor's office
7. Property owner Title Commitment
8. Property owner Special Warranty Deed & Exhibit A
9. Mineral Certificate
10. USA Certificate of the Register of the Land Office (1889 – Jasper Ward purchase of public lands)
11. ALTA Commitment Form – Commitment for Title insurance
12. Joint Notice of Privacy Policy – Westcor Land Title Insurance Company
13. Performance Standards
14. Letter from Jon & Leslie Krick

### **III Site Plan Requirements:**

- (1) Adjacent land uses and location of adjacent structures  
**Staff Comment** – The site plan shows the adjacent land uses and location of structures. North of the subject property is the Commercial Transitional zone district which is 100% single family homes. South of the property is south alley. West of the property is a 25' X 100' vacant lot that is owned by Jerry Senor. It is zoned C-1/R-1. East of the property is a single family (SF) home zoned C-1/R-1. This home and other's north of the property are structures displayed on the site plan.
- (2) Boundary and size of lot  
**Staff Comment** – The boundary and size of the lots is displayed on the site plan. The property includes the west ½ of lot 10 and lots 11 – 15, Block 14 and is 13,750 sq. ft. All land use applications in the C-1 zone district are conditional land uses when the lot size exceeds 10,000 sq. feet.
- (3) Building location, height and setbacks  
**Staff Comment** – The submitted site plan shows the building location and setbacks. The applicant did not determine the height of the building, but it does not appear to exceed the maximum height allowed in the C-1 zone district which is 40 feet (Ordinance 2010-9). The side and front setbacks in the C-1 zone district are zero (0) feet and the rear setback is 5 feet. The building is compliant with setbacks.
- (4) Off-street parking and loading areas

**Staff Comment** – There are 5 marked parking spaces on the site plan. The requirement for parking on this property is 12 vehicle spaces (See off-street parking requirement on page #1).

In order to screen the parking spaces so as to provide a more pleasing aesthetic curbside appeal, staff recommends that 2 to 3 five to six feet tall evergreen trees are planted in the ground or in large, deep barrels. According to the owner of the tree farm, Monte Senior, evergreens should be planted in the fall.

The loading area is shown on the site plan. It is located in front of the building on the southeast corner.

(5) Points of ingress and egress

**Staff Comment** – Ingress and egress is shown on the site plan. There is more than adequate linear distance for two large vehicles to enter and leave the property at the same time. There is a 15 wide alley on the south side of the property, but it does not appear that it has been used or maintained by the Town or its residents.

The owners of the house east of the building in question have to use the West ½ of lot 10 in order to access their house by vehicle. This partial lot is owned by Jon & Leslie Krick. Jon & Leslie have graciously allowed their neighbors to use this partial lot for access to their home. It would be diligent if both owners formulize this with some sort of permanent contract so that in the event Jon & Leslie sell their property, future property owners of the building will not obstruct the adjacent neighbor's access to their home.

(6) Service and refuse areas

**Staff Comment** – Shown on the site plan. Hazardous waste will be collected inside the building and will be picked up by Safety- Kleen during business hours. Cardboard, plastic jugs and glasses will be collected for recycling. Other non-hazardous waste will be collected outside the building in a small green dumpster provided by Waste Management and will be collected on demand.

(7) Signs and exterior lighting

**Staff Comment** – Signs and exterior lighting are identified on the site plan. A new sign will require a sign permit. The existing exterior lighting is downcast and dark sky compliant as shown on the site plan.

(8) Fencing, landscaping and screening

**Staff Comment** – Landscaping, fencing and screening are adequately described on the site plan.

(9) Compliance with Performance Standards

**Staff Comment** – The applicant has submitted a signed document stating he will comply with all performance standards.

(10) Location and size of easements, power poles, fire hydrants, gas lines, water and sewer lines; anticipated utility requirements

**Staff Comment** – Power poles, fire hydrants, gas line, water and sewer lines shown on the site plan; Potential utility requirements were not calculated and not included in the application. There is a 20 foot easement that crosses the property diagonally from north lot 13 to the south lot 15. It is imperative that a vehicle not be parked on parking space #5 while service staff are gone and overnight parking is prohibited.

**Although the list below may not be all inclusive, the primary issues associated with an automotive service station are:**

- (1) Outside storage of new and used auto parts, tires and related items
- (2) Compatibility with the neighborhood
- (3) Air and noise pollution when performing work outside the building (idling vehicles and power tools).
- (4) Disposal and storage of harmful chemicals such as engine oil, anti-freeze and brake fluid
- (5) Adequate provisions for indoor and outdoor fire suppression
- (6) Stacking and storage of vehicles on the property
- (7) Vehicles For Sale
- (8) Expansion of the business to include unrelated non-permitted or conditional uses such as manufacturing storage sheds for retail sale or building a shed on the property
- (9) Visual aesthetics from W. Main St.
- (10) Parking vehicles on the sewer line easement
- (11) Driveway access for the property owners on the east side of the property in question

**IV Alterations:**

Section 17.84.070 of the municipal code states:

No approved conditional use may be altered, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable of a conditional use as set out in this chapter

**V Staff Recommendation:**

The staff recommends approval of the Rieger Performance Motors Conditional Use Permit with the following conditions:

1. The storage of new or used auto parts, tires and related items shall be confined indoors
2. Continuous automotive idling shall be confined indoors and have adequate ventilation; idling of automobiles and use of power tools outside shall be restricted to 15 minutes
3. All automotive work shall be performed indoors except for minor visual and diagnostic analysis.
4. Hazardous chemicals such as motor oil, anti-freeze and brake fluid shall be collected by a professional company that specializes in the disposal of hazardous chemicals.
5. Outside storage of hazardous chemicals such as motor oil, anti-freeze and brake fluid shall be prohibited; all fluids shall be stored in containers that are approved by the Environmental Protection Agency or any other State or Federal Agency that has authority in such matters.
6. The interior of the building shall contain at least two fire extinguishers that are

designated for automobiles and chemicals commonly used in automotive service stations.

7. Vehicles slated for sale shall not be stored on the property.
8. Require 5 off-street parking spaces instead of 12.
9. No approved conditional use may be altered, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable of a conditional use as set out in chapter 17.84
10. 2 to 3 five to six feet tall evergreen trees shall planted in the ground or in large, deep barrels to 3 evergreen trees shall be planted in the ground or in large, deep barrels in the fall of 2018
11. A vehicle shall not be parked on parking space #5 while service staff are gone and overnight parking on space #5 is prohibited
12. All representations of the applicant in written and verbal presentations submitted to the Town or made at public hearings before the planning commission or Town Council shall be considered part of the application and binding on the applicant.
13. Applicant shall comply with all applicable building, residential, electrical and municipal code requirements including all sign code regulations
14. In the event the Town receives any complaints about the use of the site or observes or becomes aware of any violations of the conditional use approval, Applicant and/or owner may be summoned before the Town Council in a public meeting to show cause why the permit should not be revoked, suspended, or additional conditions imposed, with such show-cause hearing open to the public and the Applicant or owner being able to present testimony or offer other evidence on their behalf
15. Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including without limitation all costs incurred by the Town's outside consultants such as legal and engineering costs



**TOWN OF NEW CASTLE, COLORADO  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ 2018-02**

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING  
COMMISSION RECOMMENDING APPROVAL OF A CONDITIONAL USE  
PERMIT FOR AN AUTOMOTIVE REPAIR AND MAINTENANCE FACILITY  
TO BE LOCATED ON PROPERTY WITHIN THE COMMERCIAL-1 ZONE  
DISTRICT.

WHEREAS, on May 30, 2018, (“Applicant”) submitted a Conditional Use Permit Application (“Application”) for the property located at 731 W. Main St, New Castle, Colorado, and described in Exhibit A hereto (“Property”), which is within the Commercial 1 (C-1) zone district; and

WHEREAS, Jon and Leslie Krick own the Property and have consented to Applicant’s filing and pursuing the Application and using the Property as proposed therein; and

WHEREAS, Applicant seeks a permit to allow the Property to be used for an automotive repair and maintenance facility; and

WHEREAS, pursuant to § 17.36.050 of the New Castle Municipal Code (“Code”), the use proposed by Applicant is a conditional use in the C-1 zone district, requiring the issuance of a conditional use permit pursuant to § 17.84 of the Code; and

WHEREAS, as required under § 17.84.040(B), the New Castle Planning and Zoning Commission held a duly-noticed public hearing on July 25, 2018, to consider the Application; and

WHEREAS, pursuant to Code § 17.84.050 the Planning Commission hereby finds that the Application:

1. is eligible for conditional review under Section 17.84.040;
2. is generally compatible with adjacent land uses;
3. meets all requirements of Section 17.84.020, is in compliance with Title 17 of the Code, and minimizes potential adverse impact of the conditional use on adjacent properties and traffic flow;
4. is consistent with the comprehensive plan; and
5. the Town has the capacity to serve the proposed use with water, sewer, fire and police protection.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE PLANNING AND ZONING COMMISSION AS FOLLOWS:

1. Recitals Incorporated by Reference. The foregoing recitals are incorporated by reference herein as findings and determinations of the New Castle Planning and Zoning Commission.

2. Listing of Approved Uses. The following constitute the uses for this Property the Commission recommends be approved under the Application:

A. Automotive repair and maintenance facility

3. Recommendation. The Planning and Zoning Commission hereby recommends that the Town Council approve the Application pursuant to § 17.84.050 of the New Castle Municipal Code subject to the following conditions:

A. All representations of the Applicant in written Application materials and in verbal presentations submitted to the Town or made at public hearings before the Planning Commission or Town Council and reflected in the minutes thereof shall be considered part of the Application and binding on the Applicant;

B. Applicant shall comply with all applicable building, residential, electrical and municipal code requirements including all sign code regulations;

C. In the event the Town receives any complaints about the use of the site or observes or becomes aware of any violations of the conditional use approval, Applicant and/or owner may be summoned before the Town Council in a public meeting to show cause why the permit should not be revoked, suspended, or additional conditions imposed, with such show-cause hearing open to the public and the Applicant or owner being able to present testimony or offer other evidence on their behalf;

D. Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including without limitation all costs incurred by the Town's outside consultants such as legal and engineering costs;

E. The storage of new or used auto parts, tires and related items shall be confined indoors;

F. Continuous automotive idling shall be confined indoors and have adequate ventilation; idling of automobiles and use of power tools outside shall be restricted to 15 minutes per vehicle or use, respectively;

G. All automotive work shall be performed indoors except for minor visual and diagnostic analysis;

H. Hazardous chemicals such as motor oil, anti-freeze, and brake fluid shall be collected and disposed of by a professional company that specializes in the disposal of hazardous chemicals;

I. Outside storage of hazardous chemicals such as motor oil, anti-freeze, and brake fluid is prohibited and all such fluids shall be stored in containers that are approved by the necessary state and/or federal agency;

J. The interior of the building on the Property shall contain at least two fire extinguishers that are designed for automobiles and chemicals commonly used in automotive service stations;

K. Vehicles offered for sale shall not be stored on the Property;

L. Five off-street parking spaces shall be required on the Property;

M. Two or three five- to six-foot tall evergreen trees shall be planted in the ground or in large, deep barrels in the fall of 2018 to screen the parking area of the Property;

N. A vehicle shall not be parked in the parking space adjacent to Main Street while service staff are gone from the Property, and overnight parking on said space is prohibited;

O. No approved conditional use may be altered, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the applicable procedures set forth in Chapter 17.84 of the Town Municipal Code;

P. Approval of the Application shall expire after one year. Upon written request from Applicant received prior to the expiration of the approval, Town staff may renew the approval of the Application for a period deemed appropriate by Town staff provided that use of the Property has not materially changed from that proposed in the Application;

Q. The use approved in the Application shall not be conducted until the Town Planner has issued a conditional use certificate. That certificate shall be issued only after Applicant has entered into an agreement with the Town specifying that all conditions imposed by the Town council will be completed and that the use and improvements will be in accordance with the approved Application site plan and development schedule. The conditional use certificate must be issued within one year of the date of final approval by Town Council, or the Application is deemed withdrawn by the Applicant and is of no further force and effect.

THIS RESOLUTION PZ 2018-02 was adopted by the New Castle Planning and Zoning Commission by a vote of \_\_ to \_\_ on the 25th day of July, 2018.

NEW CASTLE PLANNING AND  
ZONING COMMISSION

By: \_\_\_\_\_  
Chuck Apostolik, Chairman

ATTEST:

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Mindy Andis, Deputy Town Clerk

## **EXHIBIT A**

### Legal Description

The property that is the subject of the Application described in Resolution PZ 2018-2 is legally described as follows:

West 1/2 of Lot 10 and all of Lots 11 – 15, Block 14, Original Townsite, Town of New Castle

Administration Department  
 (970) 984-2311  
 Fax: (970) 984-2716  
[www.newcastlecolorado.org](http://www.newcastlecolorado.org)



Town of New Castle  
 PO Box 90  
 450 W. Main Street  
 New Castle, Co 81647

### DEVELOPMENT APPLICATION

Applicant: <b>HAROLD and CAROLYN EDWARDS</b>	
Address: <b>1102 PARKWOOD LANE Glenwood Springs, CO</b>	Phone: <b>(970) 230-9471</b> FAX: <b>N/A</b> E-mail: <b>HECCMAIL@AOL.COM</b>
Property Owner: <b>HAROLD and CAROLYN EDWARDS</b>	
Address: <b>1102 PARKWOOD LANE Glenwood Springs, CO 81601</b>	Phone: <b>(970) 379-5856 (cell)</b> FAX: <b>N/A</b> E-mail: <b>HECCMAIL@AOL.COM</b>
Contact Person: <b>SEE ABOVE</b>	
Address: <b>SEE ABOVE</b>	Phone: <b>SEE ABOVE</b> FAX: <b>SEE ABOVE</b> E-mail: <b>SEE ABOVE</b>
Property Location/Address: <b>140 NORTH B AVE</b>	
Legal Description: <b>SPENCER'S ADDITION lots 35-37, Block G.</b>	Acres: <b>7875 sq. ft</b>
Existing Zone (Not sure? <a href="#">Click here for help</a> ): <b>R-1</b>	
Existing Land Use: <b>single family home</b>	
<b>TYPE(S) OF LAND USE(S) REQUESTED</b>	
<input type="checkbox"/> Pre-Annexation Agreement <input type="checkbox"/> Annexation <input type="checkbox"/> Subdivision (Including Minor and Major Subdivisions, Lot Splits, Sketch Plans, Subdivision Preliminary Plans, Subdivision Final Plans, & Condominiumizations) <input type="checkbox"/> Amended Plat <input type="checkbox"/> Planned Unit Development (Including PUD Sketch Plans, Preliminary PUD Development Plans, PUD Master Plans and Final PUD Development Plans) <input type="checkbox"/> Floodplain Development Permit	<input type="checkbox"/> Lot Line Adjustment or Dissolution <input type="checkbox"/> Site Specific Development Plan/Vested Rights <input type="checkbox"/> Variance <input type="checkbox"/> Zoning <input type="checkbox"/> Zoning Amendment <input type="checkbox"/> Re-zoning <input type="checkbox"/> R-1-HC Identification <input checked="" type="checkbox"/> Conditional Use Permit or Special Review Use Permit <input type="checkbox"/> Other
<div style="text-align: right; color: red; font-weight: bold; font-size: 1.2em;">           RECEIVED            JUN 07 2018            TOWN OF            NEW CASTLE, CO            BUILDING DEPARTMENT         </div>	
This development would create <u>2</u> residences and <u>0</u> square feet of commercial space.	
Applicant must also complete and submit the appropriate <u>checklist</u> for the type of land use requested. Both the applicant and the property owner must sign this application.	
Applicants are encouraged to schedule a pre-application meeting with the Town Administrator and/or Town Consultants prior to submitting this application.	

**AGREEMENT TO PAY CONSULTING FEES AND EXPENSES**

It is the policy of the Town of New Castle that all land use applications must be filed in the Office of the Town Clerk to receive formal consideration. Please refer to the Town Clerk's Office for all applicable procedures.

However, the Town encourages land use applicants to consult informally with members of the Town Staff, including outside consultants, prior to filing applications if the applicant has questions regarding areas within Staff members' particular expertise; PROVIDED THAT THE POTENTIAL APPLICANT AGREES TO REIMBURSE THE TOWN FOR ALL FEES AND EXPENSES RELATING TO SUCH INFORMAL MEETINGS.

The Town employs outside consultants for engineering, surveying, planning, and legal advice. These consultants bill the Town on an hourly basis as well as for expenses including but not limited to copies, facsimile transmissions, and long distance telephone calls.

It is the Town's policy that all persons wishing to hold informal meetings with members of the Town Staff acknowledge responsibility for all fees and expenses charged by outside consultants by signing this Agreement below.

I acknowledge and agree to pay the Town of New Castle all actual costs incurred by the Town in relation to legal, engineering, surveying, planning, or other services performed by consultants to the Town as a result of such consultants' review and comment upon, or other services related to, land use proposals and/or applications proposed by me or on my behalf, regardless of whether or not such application is formally filed with the Town. Interest shall be paid at the rate of 1.5% per month on all balances not paid within thirty (30) days of the date of the statement. In the event the Town is forced to pursue collection of any amounts due and unpaid, the Town shall be entitled to collect all costs of collection in addition to the amount due and unpaid, including but not limited to reasonable attorney's fees and costs.

SO AGREED this 6 day of JUNE, 2018.

HAROLD EDWARDS  
Applicant (Print Name)

[Handwritten Signature]  
Signature

(970) 230-9471  
Telephone

1102 PARKWOOD LANE, GLENWOOD SPRING, CO 81601  
Mailing Address

HAROLD & CAROLYN EDWARDS  
Property Owner

\_\_\_\_\_  
Mailing Address If Different From Above

SAME PERSON  
Relationship to Applicant or Potential Applicant

Type of application: CONDITIONAL USE PERMIT

Property description: ADU

June 6, 2018

Harold & Cardyn Edwards

RE: Property at. 140 NORTH B AVE, NewCastle  
Block G, Lots 35-37  
SPENCER'S Addition

Dear Members of Town Council and the P&Z Board,  
We would like to take this opportunity to introduce ourselves to you.

While vacationing in this area in 1980, we fell in love with the mountains and the delightful communities housed within them. We moved to Glenwood Springs in 1981 and feel fortunate and grateful for that decision and opportunity ever since. During these 37 years, we also lived in NewCastle briefly. Harold started his small commercial property cleaning business, Classic Cleaners, in 1985 and has continued to offer quality, personalized service to long-standing clients for 33 years and still co-owning.

We bought our New Castle home 13 years ago with the hopes of one day retiring (or semi-retiring, as the case may be now). Our plan is to down size and live in the downstairs apartment (ADU) while renting out the main house to augment our income.

We love the charming lifestyle of this smaller community with only 1 stop light!

We are quiet, peace-and-fun-loving people and would like the chance of realizing our dreams for our golden years while residing in your friendly Town.

We look forward to meeting you all personally.  
Thank you!

Sincerely,  
Harold and Cardyn Edwards



June 6, 2018

HAROLD & CAROLYN EDWARDS

Re: Property at: 140 NORTH B AVE, NEW CASTLE  
BLOCK G, lots 35-37  
SPENCER'S ADDITION


To Whom It May Concern,

We would kindly like to request a deferred payment for a portion of the \$9,000 fee for Water, Sewer, and Water Rights Dedication Use

If possible, could we pay \$3,000 up front, then pay the balance of \$6,000 over a 3 year period at 3% interest with no early pay off penalties?

This would be extremely helpful as we are currently paying off medical bills from a second occurrence of cancer in Carolyn in 2017

Your consideration in this matter is greatly appreciated!

Sincerely,  
  
Carolyn Edwards

# Garfield County Assessor Data Site

Jim Yellico, 109 8th Street, Suite 207, Glenwood Springs, CO, 81601  
(P) 970.945.9134 | (F) 970.945.3953 | (E) jyellico@garfield-county.com

## Account Information

Account: R380094  
Parcel: 212331104004  
Owner Name: EDWARDS, CAROLYN EAINE & HAROLD EUGENE  
Owner Address: 1102 PARKWOOD LN, GLENWOOD SPRINGS, CO, 816014549  
Property Address: 140 N B AVE, NEW CASTLE  
Legal: Section: 31 Township: 5 Range: 90 Subdivision: SPENCERS ADD Block: G Lot: 35 THRU:- Lot: 37  
Tax Area: 038  
Subdivision: SPENCERS ADD

## Sales Information

Date	Deed Type	Doc Number	Grantor	Grantee	Amount
01/05/2005	WD	666467	JENKINS, WILLIAM KENNETH ...	EDWARDS, CAROLYN EAINE & ...	280,000

## Taxable Values History

Year	Land Actual	Imp Actual	Total Actual	Land Assessed	Imp Assessed	Total Assessed
2018	52,000	269,840	321,840	3,740	19,430	23,170
2017	52,000	269,840	321,840	3,740	19,430	23,170
2016	36,000	194,920	230,920	2,870	15,520	18,390

## Property Details

Model	Attribute Name	Attribute Value
LAND 0	ABSTRACT_CODE	SINGLE FAM RES -LAND
	AREA_ACRES	0
	AREA_SQFT	7875
	NEIGHBORHOOD	OT, CORYELL, SMITH, SPENCERS

June 6, 2018

Harold & Carolyn Edwards

Re: Property at 140 North B Ave, New Castle  
Block G, lots 35-37  
Spencer's Addition

According to Casey Lawrence, Garfield County Assessor and the Assessor's records, there are not any severed mineral rights being valued or taxed for the area in which our property lies. Records and deeds were traced back to June 29, 1927.

Filed for record the \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. \_\_\_\_\_  
Reception No. \_\_\_\_\_ By \_\_\_\_\_ RECORDER DEPUTY.

WARRANTY DEED

THIS DEED, Made on this day of January 05, 2005, between  
WILLIAM KENNETH JENKINS AND SHANNON JENKINS

of the \_\_\_\_\_ County of GARFIELD and State of COLORADO, of the Grantor(s), and  
CAROLYN ELAINE EDWARDS AND HAROLD EUGENE EDWARDS

whose legal address is : 1102 PARKWOOD LANE GLENWOOD SPRINGS, CO 81601  
of the \_\_\_\_\_ County of GARFIELD and State of COLORADO, of the Grantee(s):

WITNESS, that the Grantor(s), for and in consideration of the sum of (\$280,000.00 )  
\*\*\* Two Hundred Eighty Thousand and 00/100 \*\*\* DOLLARS

the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee(s), their heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property, together with improvements, if any, situate, lying and being in the \_\_\_\_\_ County of GARFIELD and State of Colorado, described as follows:  
LOTS THIRTY-FIVE (35), THIRTY-SIX (36) AND THIRTY-SEVEN (37)  
BLOCK G  
TOWN OF NEW CASTLE  
COUNTY OF GARFIELD  
STATE OF COLORADO

also known as street number 140 N. B AVENUE NEW CASTLE CO 81647

TOGETHER with all and singular and hereditaments and appurtenances thereto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right title interest, claim and demand whatsoever of the Grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described with appurtenances, unto the Grantee(s), their heirs and assigns forever. The Grantor(s), for himself, his heirs and personal representatives, does covenant, grant, bargain, and agree to and with the Grantee(s), their heirs and assigns, that at the time of the enrolling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, subject to general taxes for the year 2004 and those specific Exemptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Section 8a (Title Review) of the Contract to Buy and Sell Real Estate relating to the above described real property; distribution utility assessments, (including cable TV); those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Section 8b (Matters not Shown by the Public Records) and Section 8c (Survey Review) of the Contract to Buy and Sell Real Estate relating to the above described real property; inclusion of the Property within any special tax district; and, the benefit and burdens of any declaration and party wall agreements, if any, and other  
NONE.

The Grantor(s) shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the Grantee(s), his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, and the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF the Grantor(s) has executed this deed on the date set forth above.

By [Signature]  
WILLIAM KENNETH JENKINS

By [Signature]  
SHANNON JENKINS

STATE OF \_\_\_\_\_ )  
COLORADO ) ss.  
County of GARFIELD )

The foregoing instrument was acknowledged before me on this day of January 05, 2005  
by WILLIAM KENNETH JENKINS AND SHANNON JENKINS

My commission expires \_\_\_\_\_  
Witness my hand and official seal

REBECCA WESTPHAL  
NOTARY PUBLIC  
STATE OF COLORADO

[Signature]  
Notary Public

Name and Address of Person Commission Expires \_\_\_\_\_ Description ( 38-35-106.5, C.R.S.)

Escrow# GU245239 When Recorded Return to: NONE TOWN REAL ESTATE COMPANY  
Title# GU245239

P.O. BOX 1010, NEW CASTLE, CO 81647

95 08/29/04 WDJT.OPEN TEST WARRANTY DEED (Joint Tenants)

(1171586)

(28.00) 432  
511

THIS DEED, Made this 26th day of April 19 74, between

STANLEY R. FULBRIGHT and EDNA M. FULBRIGHT

of the County of Garfield and State of Colorado, of the first part, and

WILLIAM KENNETH JENKINS and SHANNON JENKINS

of the County of Garfield and State of Colorado, of the second part:  
WITNESSETH, that the said parties of the first part, for and in consideration of the sum of Ten Dollars and other good and valuable considerations - - - - - DOLLARS,

to the said parties of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, their heirs and assigns forever, not in tenancy in common but in joint tenancy, all the following described lot or parcel of land, situate, lying and being in the County of Garfield and State of Colorado, to wit:

Lots Thirty-five (35), Thirty-six (36) and Thirty-seven (37), Block G, Town of New Castle.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said parties of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said parties of the second part, their heirs and assigns forever. And the said parties of the first part, for themselves, their heirs, executors, and administrators do covenant, grant, bargain and agree to and with the said parties of the second part, their heirs and assigns, that at the time of the sealing and delivery of these presents they are well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and encumbrances of whatever kind or nature soever, except 1974 general property taxes due and payable in 1975; United States Patent reservations and restrictions and easements and rights-of-way of a public or private nature;

and the above bargained premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said parties of the first part shall and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Stanley R. Fulbright [SEAL]  
Stanley R. Fulbright

Edna M. Fulbright [SEAL]  
Edna M. Fulbright

STATE OF COLORADO, } ss.  
County of GARFIELD }

The foregoing instrument was acknowledged before me this 4 day of May 19 74 by STANLEY R. FULBRIGHT and EDNA M. FULBRIGHT.

My commission expires 5 - 17, 19 74. Witness my hand and official seal.

Opal V. Mattson  
Notary Public.

RECORDER'S STAMP  
MAY 6 1974  
STATE DOCUMENTARY FEE  
30

COLORADO WEST TITLE INSURANCE COMPANY

THIS DEED, Made this 17th day of November, 1973,  
between LAURENCE WILBERT PRECHTL and WILLIAM  
ALBERT PRECHTL

FILING STAMP

of the County of Garfield and State of  
Colorado, of the first part, and

STATE DOCUMENTARY FEE

12-4-73

36

STANLEY R. FULBRIGHT or EDNA M. FULBRIGHT

of the County of Garfield and State of  
Colorado, of the second part:

WITNESSETH, that the said party of the first part, for and in consideration of the sum of

Ten dollars and other good and valuable considerations -----DOLLARS  
and other good and valuable considerations to the said party of the first part in hand paid by the said parties of the  
second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed,  
and by these presents does grant, bargain, sell, convey and confirm unto the said parties of second part, their  
heirs and assigns forever, not in tenancy in common but in joint tenancy, all the following described lot ~~of~~ <sup>of</sup>  
~~part~~ of land, situate, lying and being in the County of Garfield and State  
of Colorado, to wit:

Lot thirty-five (35), thirty-six (36)  
and thirty-seven (37), Block G, Town of  
New Castle, Colorado

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise  
appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and  
all the estate, right, title, interest, claim and demand whatsoever of the said party of the first part, either in law or  
equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the  
said parties of the second part, their heirs and assigns forever. And the said party of the first part, for himself, his  
heirs, executors, and administrators, does covenant, grant, bargain and agree to and with the said parties of the  
second part, their heirs and assigns, that at the time of the enrolling and delivery of these presents, he is well seized  
of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in  
fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner  
and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens,  
taxes, assessments and encumbrances of whatever kind or nature soever.

and the above bargained premises in the quiet and peaceable possession of the said parties of the second part, the  
survivor of them, their assigns and the heirs and assigns of such survivor, against all and every person or persons  
lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT  
AND FOREVER DEFEND. The singular number shall include the plural, the plural the singular, and the use of any  
gender shall be applicable to all genders.

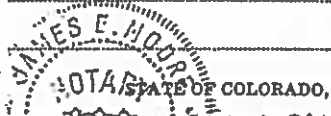
IN WITNESS WHEREOF the said party of the first part has hereunto set his hand and seal the day and year  
first above written.

Signed, Sealed and Delivered in the Presence of

*Laurence Wilbert Prechtl* [SEAL]  
Laurence Wilbert Prechtl

*William Albert Prechtl* [SEAL]  
William Albert Prechtl

[SEAL]



The foregoing instrument was acknowledged before me this 17th day of November, 1973,  
by Laurence Wilbert Prechtl and William Albert Prechtl

My Commission expires January 19, 1974. Witness my hand and official seal.

*James E. Moore*  
James E. Moore Notary Public

THIS DEED, Made this 10th day of May, 1973,

between Zelma Prechtl

of the County of Garfield and state of Colorado, of the first part, and

Laurence Wilbert Prechtl and William Albert Prechtl of the County of Garfield and state of Colorado, of the second part,

STATE DOCUMENTARY FEE  
MAY 11 1973  
SEX

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Ten (10) Dollars and other good and valuable considerations ~~to~~ to the said party of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, have remised, released, sold conveyed and QUIT CLAIMED, and by these presents do remise, release, sell, convey and QUIT CLAIM unto the said parties of the second part, heirs, successors and assigns, forever, all the right, title, interest, claim and demand which the said party of the first part has in and to the following described lot or parcel of land situate, lying and being in the County of Garfield and State of Colorado, to wit:

Lots thirty-five (35), thirty-six (36), and thirty-seven (37), Block G, Town of New Castle, Colorado, specifically including any interest retained by the first party by reason of reservations, etc., contained in a warranty deed between the parties hereto recorded April 3, 1962 in Book 383 at Page 308 thereof.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said parties of the second part, heirs and assigns forever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

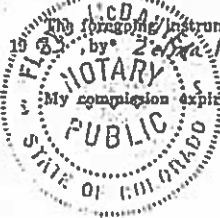
Zelma Prechtl

[SEAL]  
[SEAL]  
[SEAL]  
[SEAL]

STATE OF COLORADO, }  
County of Garfield } ss.

This foregoing instrument was acknowledged before me this 10th day of May, 1973, by Zelma Prechtl

My commission expires 7-9, 1975. Witness my hand and official seal.



Floyd McDonald  
Notary Public.

\*If by natural person or persons here insert name or names; if by person acting in representative or official capacity or as attorney-in-fact, then insert name of person as executor, attorney-in-fact of other capacity or description; if by officer of corporation, then insert name of such officer or officers, as the president or other officers of such corporation, naming it.—Statutory Acknowledgement, Sec. 118-6-1 Colorado Revised Statutes 1963.

THIS DEED, Made this 20th day of February, in the year of our Lord one thousand nine hundred and Forty-seven between

-ZELMA PRECHTL,-

of the County of Garfield and State of Colorado, of the first part, and

-LAURENCE WILBERT PRECHTL and WILLIAM ALBERT PRECHTL,-

of the County of Garfield and State of Colorado, of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Ten Dollars and other good and valuable considerations, - - -  
to the said party of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, has remised, released, sold, conveyed and quit claimed, and by these presents do remise, release, sell, convey and quit claim unto the said parties of the second part, not in tenancy in common but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever, all the right, title, interest, claim and demand which the said party of the first part has in and to the following described lot or parcel of land, situate, lying and being in the County of Garfield and State of Colorado, to-wit:

Lots Thirty-two (32), Thirty-three (33), Thirty-four (34), Thirty-five (35), Thirty-six (36), and Thirty-seven (37), Block G, of the Town of New Castle.

There is reserved to grantor the right of use and the rents and profits from said property during her natural life and during said period, grantor will pay all taxes and necessary upkeep.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereto belonging or in anywise therunto appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, unto the said parties of the second part, the survivor of them, their assigns, and the heirs and assigns of such survivor forever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal the day and year first above written.

Signed, Sealed and Delivered in the presence of }  
Zelma Prechtl } [Seal]  
\_\_\_\_\_ } [Seal]  
\_\_\_\_\_ } [Seal]

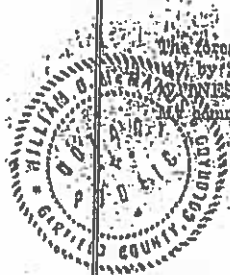
STATE OF COLORADO, }  
County of Garfield }

The foregoing instrument was acknowledged before me this 20th day of February, 1967, by Zelma Prechtl.

WITNESS my hand and official seal.  
My Commission expires \_\_\_\_\_

William S. McEl...  
By Commission expires July 19, 1968 Notary Public.

Consideration less than \$500





South west quarter (SW<sup>1</sup>/<sub>4</sub>) of Section Twenty-two (22) Township three (3) South Range Eighty-seven (87) West of the Sixth Principal Meridian.

TO HAVE AND TO HOLD the said described premises, with all the appurtenances thereunto belonging, to the said Jesse F. McDonald and John A. Ewing their heirs and assigns, forever.

Witness my hand and seal, this \_\_\_\_\_ day of September in the year of our Lord One Thousand Nine Hundred and twenty seven.

Geo. L. Winters (SEAL)  
Sheriff of Garfield County

STATE OF COLORADO, }  
County of Garfield } ss.

I, Charles S. Keegan a Notary Public of Garfield County, in the State aforesaid, do hereby certify that Geo. L. Winters Sheriff of Garfield County, personally known to me to be the real person whose name is subscribed to the within annexed Deed, this day acknowledged before me that he executed the said Deed, as such Sheriff, voluntarily and freely, for the use and purposes therein set forth.

Given under my hand and the seal this 28th day of September Nineteen Hundred and Twenty-seven.  
My Commission Expires January 26, 1930.

Charles S. Keegan  
Notary Public



FILED FOR RECORD SEPTEMBER 28, 1927 at 8:42 O'CLOCK A.M. WALTER J. FROST, RECORDER

By Chas. S. Keegan Deputy

#99555 RECEIPT FOR INHERITANCE TAX

Estate No. -----  
County Court of Garfield County.

C. W. Fulghum, Glenwood Springs, Colo.  
No. 40826

RECEIPT FOR INHERITANCE TAX  
OFFICE OF THE TREASURER OF  
THE STATE OF COLORADO

\$1.00

Denver, Colo., Sept. 12, 1927

Received of Zelma E. Frechtl, admx. of the estate of William C. Frechtl, deceased, One and No/100 Dollars for Inheritance Tax and fees for examination and issuance of waiver, as itemized below, due the State of Colorado from said estate, pursuant to an order of the Hon. J. W. Bell, Judge of the County Court of Garfield County. Date of death of decedent Sept. 25, 1926 Value of property, gross \$160.00 deductions \$50.00 net \$110.00

Description of property:

Lots No. 33, 36, 37 and 38, in Blk No. "G" Town of New Castle Garfield County, Colo. and improvements thereon.

\$160.00

Tax fixed by order of court-----	\$-----
Interest-----	\$-----
Fees, examination and waiver-----	\$ 1.00
Total-----	\$-----
Discount-----	\$-----
Grand Total-----	\$ 1.00



H. E. Mulnix  
Treasurer of the State of Colorado

By J. D. Temple  
Deputy

FILED FOR RECORD SEPTEMBER 30, 1927 at 10:05 O'CLOCK A.M. WALTER J. FROST, RECORDER

#99561

STATE OF COLORADO }  
COUNTY OF GARFIELD } SS

IN THE DISTRICT COURT

No. 2278

Lynn Kennedy, Plaintiff  
VS.  
Cowden Mill & Elevator Company, et al, Defendant,

CLERKS ORDER  
DISMISSING CAUSE

At this day comes the Plaintiff by his attorney of record, C. W. Darrow Esq., and makes application to the Clerk of this Court for the dismissal of the above numbered and entitled action, at the costs of said Plaintiff, and it appearing from the files herein that the Complaint and Summons, only, have been filed in this Court, and it satisfactorily appearing to said Clerk that this is a proper case for dismissal by the Clerk, there being no Cross Complaint on file herein, it is ordered, that said cause be and the same hereby is dismissed at the costs of said Plaintiff.

D. W. Shores,  
Clerk

STATE OF COLORADO, }  
COUNTY OF GARFIELD } SS

I, D. W. Shores, Clerk of the District Court of Garfield County, Colorado, in the Ninth Judicial District, do hereby certify the above to be a true copy of the order of Dismissal entered in the above entitled action on the 10th day of March, A.D. 1923.

WITNESS my hand and seal this 19th day of September, A.D. 1927.

D. W. Shores  
Clerk District Court



FILED FOR RECORD OCT. 3, 1927 at 10:40 O'CLOCK A.M. WALTER J. FROST, RECORDER

#99562

ASSIGNMENT OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS THAT, Morlin Cowden, of the County of Garfield and State of Colorado, party of the first part, for and in consideration of the sum of Ten Dollars

48885

Know all Men by these Presents, That, whereas, the following described real property, viz: \_\_\_\_\_

*Lots Thirty-two (32) Thirty-four (34) and  
Thirty-five (35) in Block '9' of the town of  
New Castle*

DESCRIPTION OF PROPERTY TAXED.

situated in the County of Garfield and State of Colorado, was subject to taxation for the year (or years) A. D. 1922; AND, WHEREAS, The taxes assessed upon said property for the year (or years) aforesaid remained due and unpaid at the date of the sale hereinbefore made, and, whereas, the Treasurer of said County, did, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 1922, by virtue of the authority vested in him by law, at (an adjourned sale) the sale begun and publicly held on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 1922, expose to public sale, at the office of the Treasurer, in the County aforesaid, in substantial conformity with the requirements of the statute in such case made and provided, the real property above described, for the payment of the taxes, interest and costs then due and remaining unpaid on said property;

AND, WHEREAS, At the time and place aforesaid, \_\_\_\_\_ of the County of Garfield, and \_\_\_\_\_ of \_\_\_\_\_, bid upon all of the above described property the sum of \_\_\_\_\_ Dollars and \_\_\_\_\_ cents, being the whole amount of taxes, interest and costs then due and remaining unpaid upon said property for that year, and the said \_\_\_\_\_ having offered in his said bid to accept interest upon the said sum at the rate of \_\_\_\_\_ per cent. per annum for the first six months, and at the rate of \_\_\_\_\_ per cent. per annum for the next six months, and thereafter at the rate of \_\_\_\_\_ per cent. per annum, and the said rate of interest being the lowest rate of interest at which any person offered to pay the said taxes, interest and costs so due upon said property for that year, and payment of the said sum having been made by him to the said Treasurer, the said property was stricken off to him at that price;

AND, WHEREAS, The said \_\_\_\_\_ did, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_, duly assign the certificate of the sale of the property as aforesaid, and all his rights, title and interest in said property to \_\_\_\_\_ of the County of Garfield and \_\_\_\_\_;

AND, WHEREAS, At the sale so held as aforesaid by the said Treasurer, no bids were offered or made by any person or persons for the said property, and no person or persons having offered to pay the said taxes, interest and costs upon the said property for that year, and the Treasurer having been satisfied that no sale of said property could be had, therefore the said property was, by the then Treasurer of the said County, stricken off to the said County, and a certificate of sale was duly issued therefor to the said County in accordance with the statute in such case made and provided;

AND, WHEREAS, The said Garfield County, acting by and through its County Treasurer, and in conformity with the order of the Board of County Commissioners of the said County, duly entered of record on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_ (the said day being one of the days of a regular session of the Board of County Commissioners of said County), did duly assign the certificate of sale of said property, as issued as aforesaid to said County, and all its rights, title and interest in said property held by virtue of said sale, to \_\_\_\_\_ of \_\_\_\_\_;

AND, WHEREAS, The said \_\_\_\_\_ has paid subsequent taxes on said property to the amount of \_\_\_\_\_ Dollars and \_\_\_\_\_ cents;

AND, WHEREAS, More than three years have elapsed since the date of the said sale, and the said property has not been redeemed therefrom as provided by law;

AND, WHEREAS, The said property was assessed for that year at a sum of less or more (strike out in accordance with fact) than two hundred and fifty dollars;

AND, WHEREAS, All of the provisions of the statutes prescribing prerequisites (to) obtaining tax deeds have been fully complied with and are now of record, and filed in the office of the County Treasurer of said County;

NOW, THEREFORE, I, Charles H. King, Treasurer of the County aforesaid, for and in consideration of the sum to the Treasurer paid as aforesaid, and by virtue of the statute in such case made and provided, have granted, bargained and sold, and by these presents do grant, bargain and sell, unto the said Jelma Prachtl her heirs and assigns forever, subject to all the rights of redemption by minors, insane persons or idiots, provided by law, the above described real property.

IN WITNESS WHEREOF, I, Charles H. King, Treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto set my hand and seal, this 29th day of \_\_\_\_\_, A. D. 1927

(OFFICIAL SEAL)

Charles H. King  
Treasurer of Garfield County, Colorado

STATE OF COLORADO, ss.

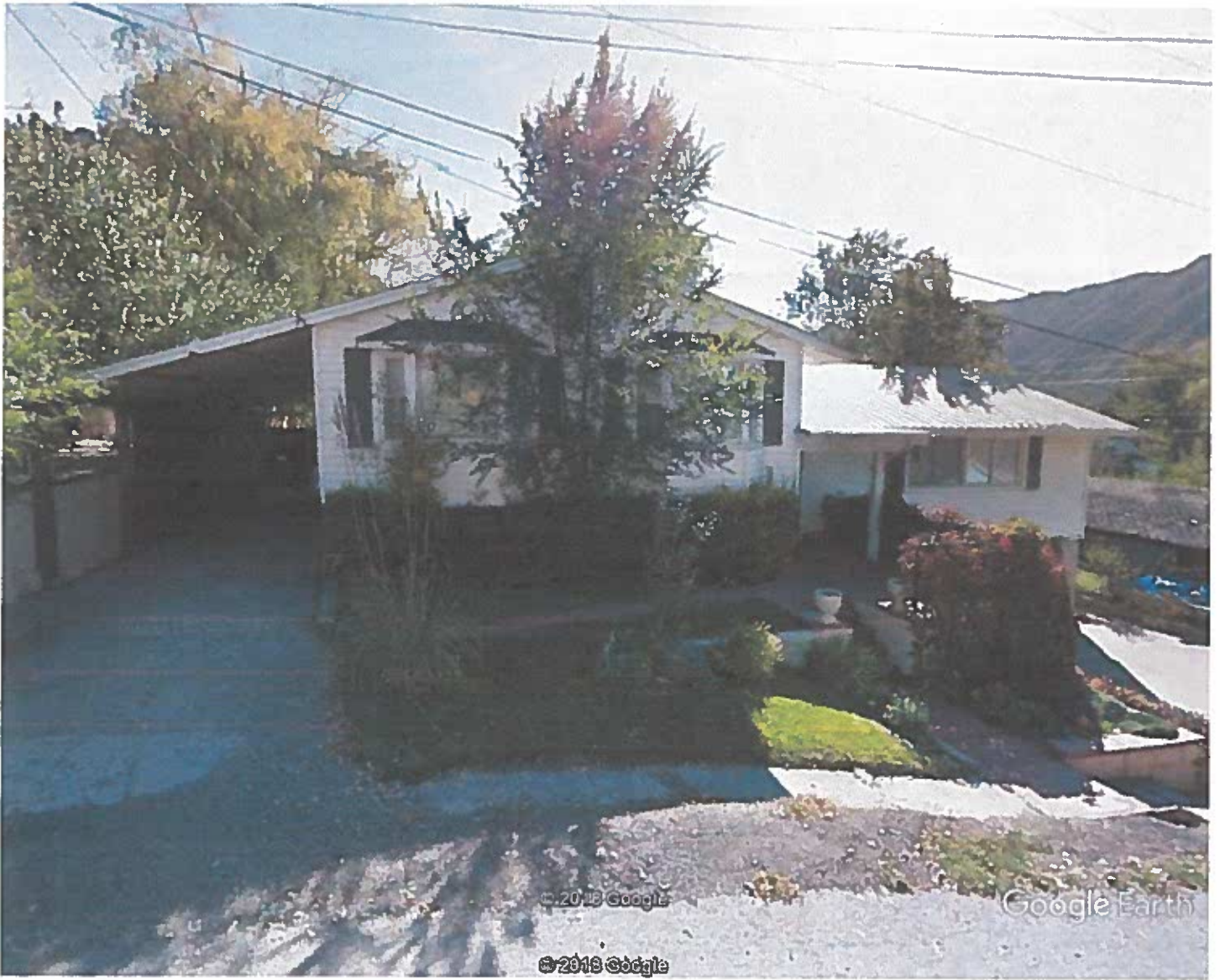
County of Garfield, I hereby certify that before me, Charles H. King, a notary public in and for said County, personally appeared the above named Charles H. King, Treasurer of said County, personally known to me to be the Treasurer of said County at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to the foregoing deed, and who executed the above conveyance as Treasurer of the said County, and who acknowledged the execution of the same to be his voluntary act and deed as Treasurer of said County, for the purposes therein expressed.

NOTARIAL SEAL

Given under my hand and notarial seal, this twenty-ninth day of June, A. D. 1927

Filed for Record the 29 day of June, A. D. 1927, at 10:30 o'clock P.M.  
Walter J. Frost Recorder.  
By \_\_\_\_\_ Deputy.

*Handwritten note on right margin: "The above is a true and correct copy of the original as filed in the office of the County Treasurer of Garfield County, Colorado, on the 29th day of June, 1927."*



Google Earth



June 6, 2018

Harold & Curdyn Edwards

Re: Property at: 140 North B Ave, New Castle  
Block G, Lots 35-37  
Spencer's Addition

## I Time Schedule for development:

We anticipate completion of development by the end of July, barring any unforeseen complications.

## II Remodel plans include:

- a) Replace the drop ceiling with sound board, hat channels and drywall
- b) Remove old wallpaper, repair and paint walls.
- c) Replace floor tile and carpet throughout
- d) Replace old light fixtures with updated versions.
- e) Replace smoke & CO detectors with new linked-in state-of-the-art versions that will connect the house and ADU for increased safety for all concerned.

PERFORMANCE STANDARDS

I, Cardyne & Harold Edwards, ON THIS DATE 6/6/2018 agree to abide by the following PERFORMANCE STANDARDS:

Performance Standards

- (A) Smoke. No use shall be permitted in any district unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to emission of smoke.
- (B) Particulate Matter. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to emission of particulate matter.
- (C) Dust, Odor, Gas, Fumes, Glare or Vibration. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to emission of dust, odor, gas, fumes, glare or vibration.
- (D) Radiation Hazards and Electrical Disturbances. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to radiation control.
- (E) Noise. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to noise.
- (F) Water Pollution. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to water pollution.

Source: Ord. 261, Sec. 15 04.090, 1983

*List of Home Owners within 250 ft of property at 140 North 'B' Ave*

Account Number	Parcel N°	Owner Name	In Care Of	MAILING ADDRESS	City	State	Zip Code
R380264	212331104010	THEL REVOCABLE TRUST, MARGARET M		PO BOX 373	NEW CASTLE	CO	81647
R082543	212331105020	WHEELER, SHERYL C		161 1ST STREET	NEW CASTLE	CO	81647
R380065	212331105007	SHETTEL, MARILYN M TRUST DATED 6/19/95		2417 PALMER AVENUE	GLENWOOD SPRINGS	CO	81601-4341
R380207	212331103012	VOSKUIL JORDEN		PO BOX 1624	GLENWOOD SPRINGS	CO	81601
R380151	212331104017	BERGER, HARRY J III & DANIELLE		PO BOX 912	NEW CASTLE	CO	81647
R380379	212331104020	WESTERLUND, DON OLAF & LI CINDA ANN		PO BOX 28	NEW CASTLE	CO	816470028
R380315	212331105001	GARFIELD COUNTY		108 6TH STREET, SUITE 213	GLENWOOD SPRINGS	CO	81601-3363
R380169	212331105011	WALDEN CARMEL & POLANC, SHANNON		PO BOX 799	NEW CASTLE	CO	81647
R380010	212331104007	ANDERSEN, ANNE & BARRY		316 E MAIN STREET	NEW CASTLE	CO	81647-0111
R380349	212331105016	PALLARES GONZALEZ, ERIC S & JUAN		2117 SOBREL LANE	SILT	CO	81652
R380171	212331105010	COX, MICHAEL W & KELLEY A		PO BOX 902	NEW CASTLE	CO	81647-0902
R380255	212331100001	NEW CASTLE TOWN OF		PO BOX 90	NEW CASTLE	CO	81647
R380255	212331100001	NEW CASTLE TOWN OF		PO BOX 90	NEW CASTLE	CO	81647
R082544	212331105021	AARDSMA, HERMAN D & LISA RENEE		PO BOX 461	NEW CASTLE	CO	81647
R043064	212331100002	CVR INVESTORS INC		1038 COUNTRY CLUB ESTATES DR	CASTLE ROCK	CO	80108
R380150	212331104018	MARSH, S BRADFORD & USA F		PO BOX 923	NEW CASTLE	CO	81647-0823
R380053	212331105015	REICHERT, MICHAEL		PO BOX 752	NEW CASTLE	CO	81647
R380028	212331105006	HAFTTEL, HOWARD C & GABRIELLA		3696 VALELEY VIEW ROAD	GLENWOOD SPRINGS	CO	81601-4555
R045746	212331105017	BROUSE, WENDY		922 E PABOR AVENUE	FRUITA	CO	815212410
R380254	212331104004	EDWARDS, CAROLYN EXHIBIT & TANGLED EGGHTE		1102 PARKWOOD LN	GLENWOOD SPRINGS	CO	816014549
R380273	212331103005	WALL, RAYMOND H & JEAN M		PO BOX 6	NEW CASTLE	CO	81647
R045797	212331105018	PRADO, GRACIELA		PO BOX 654	NEW CASTLE	CO	81647
R380366	212331103017	FOGG, WAYAL & C GARY		PO BOX 135	NEW CASTLE	CO	81647-0135
R380164	212331104011	MUNEZ, ELOY & HEIDI		PO BOX 615	NEW CASTLE	CO	81647
R380155	212331105014	SANCHEZ, DANIEL C		5033 COUNTY ROAD 335 #149	NEW CASTLE	CO	81647
R041554	212331103021	BRADLEY, JO ELYN		PO BOX 532	NEW CASTLE	CO	81647
R380165	212331104005	WALL, MICHAEL & CHERRI L		1588 BALSAM COURT	RIFLE	CO	81650
R380237	212331105012	HAGBERY, DENNIS KETH		PO BOX 941	NEW CASTLE	CO	81647
R380363	212331104019	MUTTILLIO-LONG, JEANNER		1950 COUNTY ROAD 311	NEW CASTLE	CO	81647
R380224	212331105005	TROUT, NANCY & GRAY, FLOYD & LOIS		PO BOX 157	NEW CASTLE	CO	81647



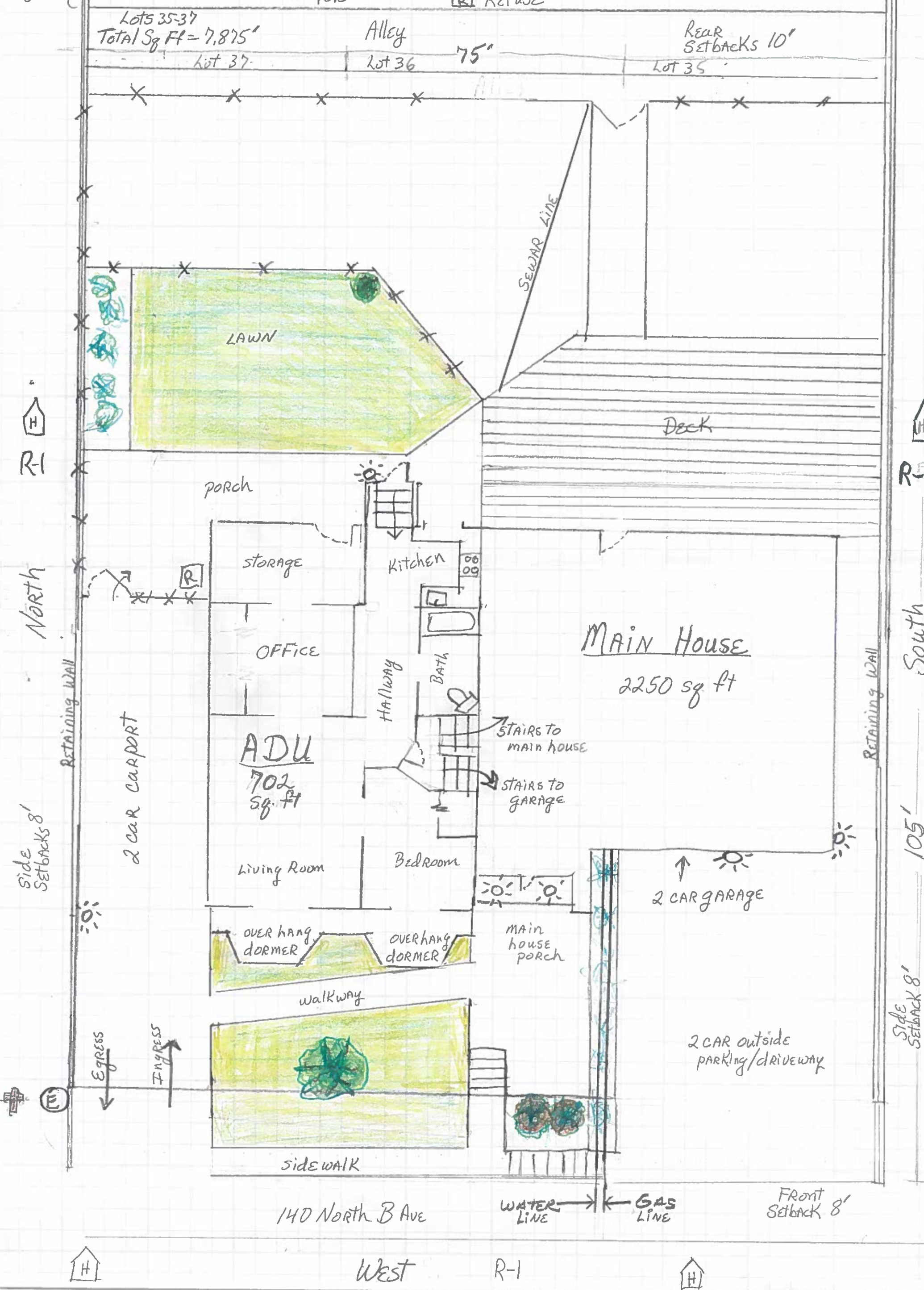
Legend

☀ EXTERIOR LIGHT  
⚡ FIRE HYDRANT

X FENCE  
Ⓜ ELECTRIC POLE

HOUSE  
REFUSE

DOOR



Lots 35-37  
Total Sq Ft = 7,875'

Alley 75'

Rear Setbacks 10'

LAWN

SEWER LINE

Deck

porch

storage

Kitchen

OFFICE

HALLWAY

BATH

MAIN HOUSE

2250 sq ft

ADU

702 sq ft

STAIRS TO MAIN HOUSE

STAIRS TO GARAGE

Living Room

Bedroom

2 CAR GARAGE

OVERHANG DORMER

OVERHANG DORMER

MAIN HOUSE PORCH

WALKWAY

2 CAR outside PARKING/DRIVEWAY

Egress  
Ingress

sidewalk

WATER LINE  
GAS LINE

FRONT Setback 8'

140 North B Ave

West R-1

Side Setback 8'

South

North

Side Setbacks 8'

R-1

R-1



**Town of New  
Castle**

450 W. Main Street  
PO Box 90  
New Castle, CO 81647

**Planning/Building & Code  
Administration Department**

**Phone:** (970) 984-2311

**Fax:** (970) 984-2716

[www.newcastlecolorado.org](http://www.newcastlecolorado.org)

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**Staff Report**

**Carolyn & Harold Edwards – Conditional Use Permit – Accessory Dwelling Unit  
New Castle Planning and Zoning – Hearing – July 25, 2018**

Report Date: 7/19/18

**Project Information**

**Name of Applicant:** Carolyn & Harold Edwards

**Applicant's Mailing Address:** 1102 Parkwood Lane, Glenwood Springs, CO 81601  
**/Phone:** (970) 230-9471

**Property Address:** 140 N. B St., New Castle, CO 81647

**Property Owner:** Carolyn & Harold Edwards

**Owner Mailing Address** 1102 Parkwood Lane, Glenwood Springs, CO 81601  
**/Phone:** (970) 230-9471

**Proposed Use:** Accessory Dwelling Unit (ADU)

**Municipal Code Reference:** Chapter 17.84 – Conditional Uses,

**Size of Site:** 7,8750 sq. ft.

**Street Frontage:** North B St.

**Existing Zoning:** R-1

**Surrounding Zoning:** North – R-1, South – R-1, West – R-1 and East R-1

**Off- Street Parking:** One off-street parking space for the ADU and two-off street parking spaces for the main residence

**I Municipal code requirements:**

This application is a request for an Accessory Dwelling Unit (ADU). The following are the requirements:

**17.72.230 - Accessory dwelling units (ADUs)**

A. Accessory dwelling units are intended to be constructed in association with a primary single-



family dwelling, to provide increased affordable housing opportunities within the town and to facilitate housing in close proximity to places of employment.

B. Notwithstanding any maximum or minimum square footage requirements in the zone district per dwelling unit, ADUs shall contain not more than eight hundred fifty (850) square feet and not less than four hundred (400) square feet. Only one ADU shall be allowed per principal building. The square footage of ADUs shall be calculated using the total gross square footage associated with the ADU living space inclusive of storage, hallways, basements but not including garage space.

C. ADUs shall not be allowed on lots smaller than five thousand (5,000) square feet. The square footage of the accessory dwelling unit shall not be greater than forty-seven (47) percent of the gross square footage of the principal building (inclusive of basement square footage but not including garages, uncovered decks, patios or porches) or eight hundred fifty (850) square feet whichever is less.

D. Each ADU shall contain a kitchen equipped, at a minimum, with a cooking appliance, a sink, and a refrigerator/freezer with a capacity not less than six cubic feet.

E. Each ADU shall contain a bathroom equipped with, at a minimum, a sink, a toilet and a shower.

F. No ADU shall contain more than two bedrooms, and one off-street parking space shall be provided for each bedroom in addition to the required parking space(s) for the principal building/use.

G. All water service connections made to an ADU shall comply with the town's water and wastewater service connection requirements. ADUs may be connected to the water and wastewater service lines serving the principal building or directly to the most convenient water or sewer main line; provided that the landowner shall bear all expense of such connections, shall obtain all necessary permits from the town prior to any road cuts, and shall, prior to connection, pay a tap fee to the town equal to 0.5 EQR if the ADU has one bedroom and 0.8 EQR if the ADU has or is capable of having two bedrooms. The owner shall also pay a water rights dedication fee in the same ratio as the tap fee.

H. An ADU may not be condominiumized and/or sold separate and apart from the primary building to which it is accessory

I. The design, exterior treatments and color of an ADU shall be the same as, or compatible with, the design and exterior color and treatments of the primary building to which it is accessory.

J. An ADU may only be occupied by a single-family as defined in Section 17.04.050 of the New Castle Municipal Code.

## **II Description of application**

This ADU has 702 sq. ft. It has a separate entrance located in the rear portion of the principal building. Utilities are combined with the principal building. The principal building is the Applicant's rental unit. The ADU contains a storage room, office, kitchen with a stove and sink, bathroom and one bedroom.

The applicants have applied for a building permit to do minor remodel work. The ADU will not receive a Certificate of Occupancy (CO) until the Planning & Zoning Commission (PNZ) recommends approval and Town Council affirms it.

A one-bedroom ADU requires an additional .5 EQR and Water Rights Dedication fee in the

same proportionate amount. The total fee is \$9,000.00

The applicants are requesting that Town Council allow them to defer payment of \$6,000.00 over 3 years with 3% interest. The applicants will pay \$3,000.00 upon approval.

**III Development Application Contents:**

1. Development Application
2. Cover letter
3. Applicant letter requesting deferred payment
4. Proof of ownership from Garfield County Assessor's office
5. Applicant letter about mineral rights
6. Various deeds and documents indicating transference of the property in question
7. Picture of house
8. Performance standards
9. List of property owners within 250 feet
10. Site plan

**IV Site Plan requirements:**

(1) Adjacent land uses and location of adjacent structures

**Staff Comment** – The site plan identifies land uses and location of structures on 3 sides. There is a house east of the alley. The R-1 zone district surrounds the property on all 4 sides.

(2) Boundary and size of lot

**Staff Comment** – The submitted site plan describes the boundary and size of lots 35 – 37, which constitutes 140 N. B St.

(3) Boundary location, height and setbacks

**Staff Comment** – The location and setbacks are included on the site plan. The setbacks in the R-1 zone district are:

- Front – 8 feet
- Side – 8 feet
- Rear – 10 feet for the principle building and 5 feet for a garage

The height of the principle building is not indicated.

(4) \*Off-street parking and loading areas

**Staff Comment** – Off-street parking for an ADU is one space per bedroom. Chapter 17.76 of the Town's code requires 2 spaces per dwelling unit (does not include an ADU). There is no need to identify loading areas. The site plan shows 4 off-street parking spaces.

\* 17.76.060 Town Council May Change Number of Spaces

(A) The Town Council may increase or decrease the number of off-street parking spaces in consideration of the following factors:

- (1) Probable number of cars owned by occupants of dwellings in the planned unit development;
- (2) Parking needs of any non dwelling uses;
- (3) Varying time periods of use; and
- (4) Whatever joint use of common parking areas is proposed.

(B) Regardless of a reduction in off-street parking spaces by the Town Council, adequate space and site design shall be provided to accommodate the standard

(5) Points of ingress and egress

**Staff comment** – Ingress & egress is shown on the north side of the site plan. This is where

the applicants will park their cars. The south side does not show ingress or egress, however, the applicants will not use this area for entering or leaving the property. It is where the renters will park their cars.

(6) Service and refuse areas

**Staff Comment** – The service area is not applicable to the ADU application. The refuse area is identified on the northeast side of the site plan and is screened by a 6 foot fence.

(7) Signs and exterior lighting

**Staff Comment** – The site plan identifies the location of exterior lighting, but does not indicate whether or not it is dark sky compliant (downcast).

(8) Fencing, landscaping and screening

**Staff Comment** – Existing landscaping and screening are shown on the site plan.

(9) Compliance with performance standards

**Staff Comment** – The applicant has submitted a signed document stating the applicants will comply with all performance standards.

(10) Location and size of easements, power poles, fire hydrants, gas lines, water and sewer lines; anticipated utility requirements

**Staff Comment** – Easements are prescriptive in the Original Town of New Castle which includes the Spencer's Addition where the applicants will reside upon approval. Gas, water and sewer lines, fire hydrant and electrical pole are shown on the site plan. Utility requirements are not indicated on the plan,

#### **V 17.84.070 Alterations:**

No approved conditional use may be altered, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to approval of a conditional use as set out in chapter 17.84 – Conditional Uses

#### **VI Water, sewer & water rights dedication:**

The applicants have 1 EQR for the principle dwelling unit, but none for the ADU. A 1 bedroom ADU requires an additional .5 EQR or \$3,000 for water, \$3,000 for sewer and \$3,000 for the water rights dedication fee. The applicants are requesting that PNZ recommend a deferred payment plan to town council. If approved by council, the applicants will submit \$3,000 and defer \$6,000 over the next 3 years with 3% interest.

#### **VII Staff Recommendation**

The staff recommends approval of the Conditional Use Permit with the following conditions:

1. All representations of the applicant in written and verbal presentations submitted to the Town or made at public hearings before the planning commission or Town Council shall be considered part of the application and binding on the applicant.
2. The applicant shall comply with all applicable building, residential, electrical and municipal code requirements including all sign code regulations.
3. In the event the Town receives any complaints about the use of the site or observes or becomes aware of any violations of the conditional use approval, the Applicant and/or owner may be summoned before the Town Council in a public meeting to show cause why the permit should not be revoked,

suspended, or additional conditions imposed. Such show-cause hearing shall be open to the public and the Applicant or owner may present testimony or offer other evidence on its behalf.

4. The applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including without limitation all costs incurred by the Town's outside consultants such as legal and engineering costs.
5. The applicant will be required to pay additional water, sewer tap fees and including a water rights dedication fee.

**TOWN OF NEW CASTLE, COLORADO  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ 2018-03**

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING  
COMMISSION RECOMMENDING APPROVAL OF A CONDITIONAL USE  
PERMIT FOR AN ACCESSORY DWELLING UNIT ON PROPERTY  
LOCATED IN THE RESIDENTIAL-1 ZONE DISTRICT.

WHEREAS, on June 7, 2018, Carolyn and Howard Edwards (“Applicant”) submitted a Conditional Use Permit Application (“Application”) for the property located at 104 N. B Street, New Castle, Colorado, and legally described in Exhibit A hereto (“Property”), which is within the Residential 1 (R-1) zone district; and

WHEREAS, Applicant owns the Property; and

WHEREAS, a single-family dwelling is currently located on the Property; and

WHEREAS, Applicant seeks a permit to create and use an accessory dwelling unit (“ADU”) on the Property; and

WHEREAS, pursuant to § 17.20.050(M) of the New Castle Municipal Code (“Code”), the use proposed by Applicant is a conditional use in the R-1 zone district, requiring the issuance of a conditional use permit pursuant to § 17.84 of the Code; and

WHEREAS, as required under § 17.84.040(B), the New Castle Planning and Zoning Commission held a duly-noticed public hearing on July 25, 2018, to consider the Application; and

WHEREAS, pursuant to Code § 17.84.050 the Planning Commission hereby finds that the Application:

1. is eligible for conditional review under Section 17.84.040;
2. is generally compatible with adjacent land uses;
3. meets all requirements of Section 17.84.020, is in compliance with Title 17 of the Code, and minimizes potential adverse impact of the conditional use on adjacent properties and traffic flow;
4. is consistent with the comprehensive plan; and
5. the Town has the capacity to serve the proposed use with water, sewer, fire and police protection.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE PLANNING AND ZONING COMMISSION AS FOLLOWS:

1. Recitals Incorporated by Reference. The foregoing recitals are incorporated by reference herein as findings and determinations of the New Castle Planning and Zoning Commission.

2. Listing of Approved Uses. The following constitute the uses for this Property that the Commission recommends be approved under the Application:

- A. One Accessory Dwelling Unit as that term is defined in §17.04.050 of the New Castle Municipal Code

3. Recommendation. The Planning and Zoning Commission hereby recommends that the Town Council approve the Application and use proposed therein pursuant to § 17.84.050 of the New Castle Municipal Code subject to the following conditions:

- A. All representations of the Applicant in written Application materials and in verbal presentations submitted to the Town or made at public hearings before the Planning Commission or Town Council and reflected in the minutes thereof shall be considered part of the Application and binding on the Applicant;

- B. Applicant shall comply with all applicable building, residential, electrical and municipal code requirements including all sign code regulations and § 17.72.230 of the Town Municipal Code;

- C. In the event the Town receives any complaints about the use of the site or observes or becomes aware of any violations of the conditional use approval, Applicant and/or owner may be summoned before the Town Council in a public meeting to show cause why the permit should not be revoked, suspended, or additional conditions imposed, with such show-cause hearing open to the public and the Applicant or owner being able to present testimony or offer other evidence on their behalf;

- D. Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including without limitation all costs incurred by the Town's outside consultants such as legal and engineering costs;

- E. Applicant shall be required to pay all additional water and sewer tap fees and water rights dedication fees associated with the conditional use; provided that \$3,000 of said fees shall be paid within 30 days of approval of the Application and the remainder, plus 3% simple interest per annum thereon, is paid within three years of the approval;

- F. The use approved in the Application shall not be conducted until the Town Planner has issued a conditional use certificate. That certificate shall be issued only after Applicant has entered into an agreement with the Town specifying that all conditions imposed by the Town council will be completed and that the use and improvements will be in accordance with the approved Application site plan and development schedule. The conditional use certificate must be issued within one year of the date of final approval by Town Council, or the Application is deemed withdrawn by the Applicant and is of no further force and effect.

THIS RESOLUTION PZ 2018-03 was adopted by the New Castle Planning and Zoning Commission by a vote of \_\_ to \_\_ on the 25<sup>th</sup> day of July, 2018.

NEW CASTLE PLANNING AND  
ZONING COMMISSION

By: \_\_\_\_\_  
Chuck Apostolik, Chairman

ATTEST:

\_\_\_\_\_  
Mindy Andis, Deputy Town Clerk

**EXHIBIT A**  
Legal Description

The property that is the subject of the Application described in Resolution PZ 2018-3 is legally described as follows:

Lots 35, 36, and 37, Block G, Town of New Castle, Garfield County, Colorado



1  
2  
3  
4  
5 New Castle Planning and Zoning Commission Special Meeting  
6 Monday, March 5, 2018, 7:00p.m., Town Hall  
7

8 Call to Order

9 Commission Chair Chuck Apostolik called the meeting to order at 7:00 p.m.

10  
11 Roll Call

12 Present Chair Chuck Apostolik  
13 Commissioner Copeland  
14 Commissioner Riddile  
15 Commissioner Ruggles  
16 Commissioner Urnise

17  
18 Absent None  
19

20 Also present at the meeting were Town Attorney Haley Carmer, Town Planner Tim  
21 Cain, Deputy Town Clerk Mindy Andis, Building Inspector Dave Reynolds and  
22 members of the public.

23 Meeting Notice

24 Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting  
25 in accordance with Resolution TC-2018-1.  
26

27 Conflicts of Interest

28 Commissioner Urnise said that the civil engineering company working on the Lakota  
29 Ridge Senior Apartments had employed him at the beginning of the project. He said  
30 he had subsequently left that company and had not been involved with the new  
31 proposed design, therefore had no financial gain.  
32

33 Citizen Comments on Items NOT on the Agenda

34 There were no citizen comments.  
35

36 Public Hearing

37 PUD Amendment  
38

39 Purpose: PUD Amendment for Lakota Ridge Senior Apartments  
40

41 Legal description: Lot 2A, Amended Final Plat, Lot 2, Lakota Canyon Ranch, Phase  
42 7, According to the Plat thereof Recorded July 30, 2010  
43 Under Reception No.789213  
44

45 Common Address: 705 Castle Valley Blvd., New Castle  
46

47 Applicant: Lakota Ridge Senior Apartments, LLP  
48

1 Landowner: Lakota Ridge Senior Apartments, LLP

2

3 Resolution PZ-2018-01 Recommending Approval of Lakota Ridge Senior  
4 Apartments, LLP's Major PUD Development Plan Amendment

5

6 Chair Apostolik opened the Public Hearing at 7:01p.m.

7

8 Town Planner Tim Cain said during the workshop on February 21, 2018 addressing  
9 the issues Lakota Ridge Senior Apartment's Planned Unit Development (PUD), the  
10 P&Z had agreed on some design elements to be incorporated back into the  
11 construction plans.

12

13 Town Building Inspector Dave Reynolds said that at the workshop there was also  
14 conversation regarding the loss of the in-floor radiant heating system and its  
15 replacement with approximately 100 externally visible HVAC compact units.  
16 Architect JV DeSousa and Community Resources & Housing Development Corp  
17 (CRHDC) representatives were tasked with submitting new drawings and details  
18 that captured the redesigned elements and points of conversation agreed upon at  
19 the workshop.

20

21 Upon review of the latest plans, submitted February 28, 2018, staff made the  
22 following observations:

23

- 24 A. The plans did substantially, but not totally, match the conclusions of the  
25 workshop.
- 26 B. The plans included a total of (26) Units with a patio space, (13) Units with a  
27 Balcony space, and (11) Units which remain with no outdoor living space.
- 28 C. The plans were designed to be elevation views in order to demonstrate a  
29 reasonable picture of the final project. Final plans that are more detailed may  
30 be required by Staff and P&Z in order to better understand and confirm the  
31 dimensions of certain elements such as trellis lumber dimensions, balcony  
32 details, window and HVAC louver vent details and balcony railing details..
- 33 D. The plans did give a greater level of attention to matching exterior design  
34 elements found in the Lakota subdivision as well as the neighboring Fire  
35 Station as originally represented by CRHDC representatives prior to the  
36 original PUD approval.

37

38 The newly submitted plans did fall short of documenting the following items that  
39 were captured in the workshop discussions:

40

- 41 A. The workshop discussion concluded that (10} Units would be left with no  
42 outdoor living space. The submitted plans illustrate that (11) units will have  
43 no outdoor living space.
- 44 B. CRHDC agreed to have the Lakota Design Review Committee be a contributor  
45 in choosing the final exterior paint colors.
- 46 C. CRHDC agreed to have the Lakota Design Review Committee be a contributor  
47 in choosing the final roof shingle colors.
- 48 D. CRHDC agreed to have the Lakota Design Review Committee be a contributor  
49 in choosing the final balcony railing color.
- 50 E. CRHDC agreed that to the best of their ability they would use landscape

- 1 features to help mask the appearance of the lower HVAC louvered vents.  
2 F. CRHDC agreed to develop an HVAC louver vent cover sample for  
3 consideration by the P&Z and the Lakota Design Review Committee.  
4

5 Although there are several units without outdoor living space, the new design  
6 included the return of many balconies, addition of decorative trellis details, balcony  
7 roof details, rusty corrugated metal roof materials, agreement to paint or cover the  
8 HVAC louvers and heavy timbers at the balconies. The Lakota Design Review  
9 Committee would be involved in the final exterior color, shingle and railing detail  
10 selections. Final product would be more suitable to the Castle Valley Corridor than  
11 the original plans submitted in the PUD amendment application.  
12

13 Should P&Z determine that the loss of the (11) outdoor living spaces was  
14 acceptable, staff recommended the following:  
15

- 16 1. Require that CRHDC obtain approval in writing from the Lakota Design  
17 Review Committee for the final exterior paint colors, roof colors,  
18 balcony railing colors, and heavy timber beam sizes prior to final  
19 approval of a PUD amendment.
- 20 2. Require that CRHDC provide a mock up job site sample of a HVAC  
21 louver cover, as well as a mock up job site sample of the window trim  
22 and HVAC Louver trim detail including final paint color. These samples  
23 shall be reviewed in field by the Lakota Design Review Committee and  
24 a final solution approved prior to final approval of a PUD amendment.
- 25 3. CRHDC shall account for the difference of (1) exterior balcony which  
26 was presented at the workshop verses the total number of balconies  
27 detailed in the newest submitted plans.
- 28 4. CHRDC shall provide a final set of working plans for review by staff  
29 that detail all changes to the areas of the building's exterior that are  
30 under consideration for change. Plans shall include lumber dimension  
31 sizes, balcony details, roof details, engineering details and all other  
32 details necessary for final plan approval by the Building Department  
33 prior to approval of a PUD amendment.
- 34 5. CHRDC shall provide all documentation which demonstrates that the  
35 proposed changes to the heating and cooling systems shall meet or  
36 exceed the requirements of the 2009 National Energy Conservation  
37 Code as adopted by the Town of New Castle prior to the approval of a  
38 PUD amendment.  
39

40 Should the P&Z determine that the loss of the (11) outdoor living spaces was not  
41 acceptable, staff recommended one of the following options:  
42

- 43 1. That P&Z may recommend denial of the CRHDC application as  
44 submitted.
- 45 2. That P&Z may allow CRHDC to submit revised plans which meet a  
46 request to provide all units with an outdoor living area.  
47

48 Inspector Reynolds said Mr. DeSousa had submitted news plans prior to the  
49 meeting showing (2) more balconies and (1) trellis, therefore only (9) units would  
50 not have outdoor living space.

1 Mr. DeSousa said CRHDC wanted to show commitment, so (2) balconies and (1)  
2 trellis were added. Some more details were added that was not in the original  
3 project plans such as heavy timber trellis and some corrugated metal roofing.  
4 CRHDC did agree to work with Lakota Review Design Committee in the final  
5 selection of colors for the project including roof color. Also agreed to provide  
6 additional elevation on the East end of building (2) and building (4).

7  
8 Chair Apostolik closed the Public Hearing at 7:09pm.

9  
10 Commission Riddile asked if the units without balconies would be visible from Castle  
11 Valley Blvd.

12  
13 Mr. DeSousa said some of them would be on the 3<sup>rd</sup> floor of building (4) those were  
14 the East end of the structure would be visible from the Blvd. The units on the 2<sup>nd</sup>  
15 floor has either a trellis or a roof over the unit.

16  
17 Commissioner Riddile asked about the air conditioning/heating units with the grill  
18 (louver).

19  
20 Inspector Reynolds said that his recommendation would be to have CRHDC paint  
21 them and provide a mock up to the Lakota Design Review Committee or screen the  
22 louvers somehow to create an architectural feature. CRHDC must have approval by  
23 the building department, P&Z or the Lakota Design Review Committee before  
24 painting or screening is applied.

25  
26 Commissioner Urnise asked what the obligation CRHDC had with the Lakota Design  
27 Review Committee.

28  
29 Planner Cain stated it was voluntary and that the project had not been annexed into  
30 the Lakota Canyon Ranch HOA.

31  
32 Inspector Reynolds said when the project was first approved it was on a voluntary  
33 bases and agreed Lakota Design Review Committee did not have authority over the  
34 project. CRHDC agreed they would work with the Lakota Design Review Committee  
35 to make sure color selections and other structure features matched Lakota Canyon  
36 Ranch.

37  
38 Commissioner Urnise said that because the project was across the street from  
39 Lakota Canyon Ranch did not mean it needed to satisfy the architecture design  
40 requirements of Lakota Canyon Ranch. He felt the project should be complementary  
41 to the architecture design throughout New Castle.

42  
43 Inspector Reynolds said CRHDC had made representations in prior meetings very  
44 specific about meeting and bringing in design elements from Lakota Canyon Ranch  
45 and working with the Lakota Design Review Committee.

46  
47 Commissioner Ruggles asked if tenants in the units without the balconies be  
48 charged less rent.

49  
50 Mr. DeSousa said the units that do not have balconies would be on the top floor of

1 building four (4) with the best views.

2

3 Mr. DeSousa said CRHDC was more than willing to work with the Lakota Design  
4 Review Committee in order to come up with solutions. The senior apartments could  
5 not be part of the HOA or annex into Lakota Canyon Ranch because they needed to  
6 stay an independent site as a requirement of the lender, Wells Fargo. The lender  
7 also required that it be memorialized in writing that the senior apartment site was  
8 not part of the HOA and would never be.

9

10 Attorney Haley Carmer reviewed the resolution with the commission.

11

12 Motion: Chair Apostolik made a motion Recommending Approval of a  
13 Major Amendment of Lakota Ridge Senior Apartments, LLP's PUD  
14 Development Plan with changes of two (2) of the approval to be March 5,  
15 2018 updated drawings and staff recommendations of items one (1), two  
16 (2) and four (4). Commissioner Riddile seconded the motion and it passed  
17 on a roll call vote: Commissioner Riddile: Yes; Commissioner Urnise: Yes;  
18 Commissioner Copeland: Yes; Chair Apostolik: Yes; Commissioner Ruggles:  
19 Yes.

20

21 Items for next Planning and Zoning Agenda  
22 There were no items.

23

24 Commission Comments and Reports  
25 There were no comments or reports.

26

27 Staff Reports

28 Planner Cain said there was an investment group very interested in the property  
29 between the senior apartments and the fire station. He said there was another  
30 investment group interested in building an RV park on 10 acres just west of town.  
31 That project would come to the town as an outside referral from Garfield County  
32 since the property is within the town's three (3) miles of influence. The referral  
33 would be brought to P&Z and council.

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35 Review Minutes from Previous Meeting

36 Motion: Commissioner Riddile made a motion to approve the February 7,  
37 2018, meeting minutes as submitted. Commissioner Urnise seconded the  
38 motion and it passed unanimously.

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40 Motion: Chair Apostolik made a motion to adjourn the meeting.  
41 Commissioner Urnise seconded the motion and it passed unanimously.

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1 The meeting adjourned at 8:01 p.m.

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4 Respectfully Submitted,

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Planning and Zoning Commission Chair  
Chuck Apostolik

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Deputy Town Clerk Mindy Andis, CMC

DRAFT